IN THE HIGH court of Uttaranchal at Nainital

Civil Writ petition No. 1293 of 2004 (M/S)

1. St. James School Society,
Ward No. 3, Church Road,
P.O. Vikas Nagar,
Through its Joint Secretary, Heretpur,
District Dehradun

2. Right Revd. John A Prakash,
Bishop of Delhi,
Manager, St. James School Society,
Vikas Nagar,
District Dehradun (now deceased)

2/1. Mr. John Ashish
Manager, St. James School
Vikas Nagar,
District Dehradun

3. Right Revd. S.P. Prakash
Bishop of Lucknow,
Anglican Church of India
Vikas Nagar, District Dehradun
and President of St. James
School Society, Vikas Nagar

..... Petitioners

Versus

1. Civil Judge (Junior Division) Dehradun

2. Sri D.H. Edward S/o Sri C.H. Edward
R/o 80/1, Neshvilla Road,
District Dehradun

3. Sri Prem Masih Singh,
S/o Sri Narayan Singh,
Church House, Vikash Nagar,
District Dehradun

..... Respondents

Mr Alok Singh, Senior Advocate assisted by
Mr. Gopal Narayan, learned counsel for the petitioners.

Hon'ble Prafulla C. Pant, J.

By means of this petition, moved under Article 227 of the Constitution of India, the plaintiffs have challenged the order

dated 24.07.2001 passed by learned Civil Judge (Junior Division), Dehradun, whereby he has rejected the application 177-C for filling additional papers in civil suit No. 329 of 1988.

2) Heard learned counsel for the petitioners and perused the impugned order (copy Annexure- 3 to the petition). Perusal of the order shows that the suit No. 329 of 1988 is pending before the trial court at the stage of arguments and learned trial Court has considered the request of the plaintiffs for filing additional papers out of which three papers which were admissible were allowed to be filed on payment of Rs. 150/- as cost to the opposite party. There appears no illegality in the impugned order. Therefore, this Court is not inclined to entertain this petition which may further delay the trial of 15 years old suit. The petition is dismissed in limine.

(Prafulla C. Pant, J.)

Dt. 14.12.2004
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